
By: **Delegates Oaks, Malone, Carter, Rosenberg, Bobo, Bromwell, Cane,
Cardin, C. Davis, Frush, Hammen, Hubbard, Marriott, McHale,
McIntosh, Murray, and Quinter**

Introduced and read first time: February 13, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Repossession by Landlord - Compliance with Lead**
3 **Poisoning Prevention Requirements**

4 FOR the purpose of requiring a landlord's written complaint in an action to repossess
5 certain property to state that the landlord has satisfied certain requirements
6 relating to lead paint and to include, under certain circumstances, a certain
7 inspection number; and generally relating to a landlord's written complaint in
8 an action to repossess property.

9 BY repealing and reenacting, with amendments,
10 Article - Real Property
11 Section 8-401(b)
12 Annotated Code of Maryland
13 (2003 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Real Property**

17 8-401.

18 (b) (1) Whenever any landlord shall desire to repossess any premises to
19 which the landlord is entitled under the provisions of subsection (a) of this section, the
20 landlord or the landlord's duly qualified agent or attorney shall file the landlord's
21 written complaint under oath or affirmation, in the District Court of the county
22 wherein the property is situated:

23 (i) Describing in general terms the property sought to be
24 repossessed;

25 (ii) Setting forth the name of each tenant to whom the property is
26 rented or any assignee or subtenant;

1 (iii) Stating the amount of rent and any late fees due and unpaid;
2 [and]

3 (iv) Requesting to repossess the premises and, if requested by the
4 landlord, a judgment for the amount of rent due, costs, and any late fees; AND

5 (V) IF THE PROPERTY TO BE REPOSSESSED IS AN AFFECTED
6 PROPERTY AS DEFINED IN § 6-801 OF THE ENVIRONMENT ARTICLE, STATING:

7 1. THAT THE LANDLORD HAS SATISFIED THE
8 REQUIREMENTS OF §§ 6-811, 6-812, 6-815, AND 6-819 OF THE ENVIRONMENT ARTICLE;
9 AND

10 2. IF THE CURRENT TENANT MOVED INTO THE PROPERTY
11 AFTER FEBRUARY 24, 1996, THE INSPECTION NUMBER FOR THE INSPECTION
12 CONDUCTED PRIOR TO THE CURRENT TENANCY AS REQUIRED UNDER § 6-815(C) OF
13 THE ENVIRONMENT ARTICLE.

14 (2) For the purpose of the court's determination under subsection (c) of
15 this section the landlord shall also specify the amount of rent due for each rental
16 period under the lease, the day that the rent is due for each rental period, and any
17 late fees for overdue rent payments.

18 (3) The District Court shall issue its summons, directed to any constable
19 or sheriff of the county entitled to serve process, and ordering the constable or sheriff
20 to notify the tenant, assignee, or subtenant by first-class mail:

21 (i) To appear before the District Court at the trial to be held on the
22 fifth day after the filing of the complaint; and

23 (ii) To answer the landlord's complaint to show cause why the
24 demand of the landlord should not be granted.

25 (4) (i) The constable or sheriff shall proceed to serve the summons
26 upon the tenant, assignee, or subtenant or their known or authorized agent as
27 follows:

28 1. If personal service is requested and any of the persons
29 whom the sheriff shall serve is found on the property, the sheriff shall serve any such
30 persons; or

31 2. If personal service is requested and none of the persons
32 whom the sheriff is directed to serve shall be found on the property and, in all cases
33 where personal service is not requested, the constable or sheriff shall affix an attested
34 copy of the summons conspicuously upon the property.

35 (ii) The affixing of the summons upon the property after due
36 notification to the tenant, assignee, or subtenant by first-class mail shall conclusively
37 be presumed to be a sufficient service to all persons to support the entry of a default
38 judgment for possession of the premises, together with court costs, in favor of the

1 landlord, but it shall not be sufficient service to support a default judgment in favor of
2 the landlord for the amount of rent due.

3 (5) Notwithstanding the provisions of paragraphs (1) through (4) of this
4 subsection, in Wicomico County, in an action to repossess any premises under this
5 section, service of process on a tenant may be directed to any person authorized under
6 the Maryland Rules to serve process.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 2004.